IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15045 of 2004

Between:

K. Laxmikantha Reddy, s/o Hanumantha Reddy,

Aged about 23 years,
R/o Gajjihalli Village, Holagunda Mandal, Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool (Civil Supplies) Kurnool District.
2 Babu Saheb,

fair price shop dealer (under suspension)
Gajjihalli Village, Holagunda Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of mandamus declaring the proceedings i.e., Rc.No. CS3/282/2004, dt. 16-8-2004 passed by the 1st respondent is arbitrary illegal and violation of Andhra Pradesh Public Distribution System (Control) Order - 2001 consequently direct the respondents to suspend the order of the 1st respondent.

Counsel for the Petitioner: MR.U.RAMANJANEYULU

Counsel for the Respondent No.1: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The petitioner has been appointed as a temporary dealer in respect of the fair price shop of Gajjihalli Village, Holagunda Mandal, Kurnool District by an order dated 30-07-2004. The 2nd respondent herein is the permanent dealer in respect of the said shop whose authorization has been suspended pending enquiry by the Revenue Divisional Officer by proceedings dated 23-07-2004. In view of the said order of suspension, the petitioner has been appointed as a fair price shop dealer on 30-07-2004 on temporary basis. It appears that subsequently the 2nd respondent preferred an appeal before the 1st respondent-Joint Collector, Kurnool against the order of suspension. The 1st respondent having entertained the said appeal, by order dated 16-08-2004 granted stay of the order of suspension dated 23-07-2004 and the Revenue Divisional Officer was directed to send the entire connected records. This writ petition is filed aggrieved by the said order dated 16-08-2004 where under the 1st respondent has granted stay pending appeal on his file.

Learned counsel for the petitioner contends that the 1st respondent ought not to have granted stay without affording any opportunity to the petitioner who has been appointed as temporary dealer and who has lifted the commodities for the month of August, 2004 and distributed the same to the card holders.

I do not find any substance in the said contention. Admittedly, the petitioner is only a temporary dealer, whose appointment was consequent to suspension of the

authorization of the 2nd respondent. The 1st respondent, who is the competent authority to hear the statutory appeal, having entertained the Appeal against the order of suspension, thought it fit to grant stay pending the Appeal. At that stage, the temporary dealer cannot claim any right of hearing. In the circumstances, the order impugned does not warrant any interference. However, so as to avoid multiplicity of proceedings, I am of the view that it would be appropriate that the writ petitioner is also put on notice in the main Appeal and afforded an opportunity of being heard before final orders are passed in the appeal.

Accordingly, the Writ Petition is disposed of with a direction to the 1st respondent to dispose of the appeal pending on his file as expeditiously as possible preferably within a period of eight weeks from the date of receipt of this order after affording an opportunity of being heard to the petitioner herein as well as all the parties concerned. Accordingly, the writ petition is disposed of. No costs.

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24-08-2004

vs

To

1. The Joint Collector, Kurnool (Civil Supplies) Kurnool District.
2. Two CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad(O.U.T).
3. Two CD copies.

THE HON'BLE MS JUSTICE G.ROHINI

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Dated: 24-08-2004